

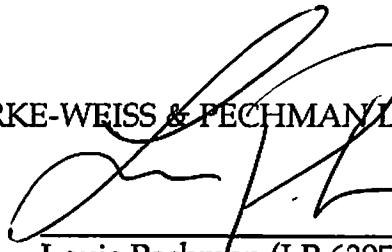
Louis Pechman (LP-6395)
Jessica Tischler (JT-1582)
Berke-Weiss & Pechman LLP
488 Madison Avenue
New York, New York 10022
(212) 583-9500
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GERALD DUCHENE, et al., : 06 Civ. 4576 (PAC) (GWG)
Plaintiffs, :
-against- : NOTICE OF MOTION
MICHAEL CETTA, INC. d/b/a SPARKS : FOR FINAL APPROVAL
STEAK HOUSE, and MICHAEL CETTA, : OF SETTLEMENT,
Defendants. : ATTORNEYS' FEES,
 : AND SERVICE
 : PAYMENTS
-----X : ECF CASE

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Louis Pechman, the undersigned will move this Court before the Honorable Paul A. Crotty at the United States District Courthouse, 500 Pearl Street, Courtroom 20C, New York, New York 1007, on September 10, 2009 at 11:00 a.m., for an Order pursuant to Rule 23 of the Federal Rules of Civil Procedure and Section 216(b) of the Fair Labor Standards Act granting final approval of the proposed settlement in this class and collective action, and an award of attorneys' fees and service payments.

Dated: New York, New York
September 2, 2009


BERKE-WEISS & PECHMAN LLP

By:

Louis Pechman (LP-6395)
Jessica Tischler (JT-1582)
488 Madison Avenue, 11th Floor
New York, New York 10022
(212) 583-9500
Attorneys for Plaintiffs

To: William A. Carmell, Esq. (WC-7648)
Philip K. Davidoff, Esq. (PD-7488)
Ford & Harrison LLP
100 Park Avenue, Suite 2500
New York, New York 10017
(212) 453-5942
Attorneys for Defendants